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DIRECT PRIMARY ELECTION LAW

1909



**With Forms for Making of Nominations Thereunder
and an Analysis of its Practical Operation**

DISTRIBUTED BY

C. F. CURRY, Secretary of State

**In accordance with the resolution of the State Senate of California
adopted March 22, 1909**



SACRAMENTO:

W. W. SHANNON

Superintendent State Printing.

1909.

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CHAPTER 405.

An act to provide for and regulate primary elections, and providing the method whereby electors of political parties may express their choice at such primary elections for United States senator.

Approved March 24, 1909; stats. 1909, p. 691.

The people of the State of California, represented in senate and assembly, do enact as follows:

SECTION 1. The words and phrases in this act shall, unless such construction be inconsistent with the context, be construed as follows:

1. The words "primary election," any and every primary nominating election provided for by this act.

Definitions of words and phrases.

2. The words "August primary election," the primary election held in August to nominate candidates to be voted for at the ensuing November election.

3. The word "election," a general or city or city and county election as distinguished from a primary election.

4. The words "November election," the presidential election, the general state election, county, city or city and county election held in November.

This statute shall be liberally construed, so that the real will of the electors shall not be defeated by any informality or failure to comply with all provisions of law in respect to either the giving of any notice or the conducting of the primary election or certifying the results thereof.

SEC. 2. All candidates for elective public offices shall be nominated as follows:

1. By direct vote at primary elections held in accordance with the provisions of this act; or,

Two methods of making nominations.

By nominating petitions signed and filed as provided by existing laws. Party candidates for the office of United States senator shall have their names placed on the official primary election ballots of their respective parties in the manner herein provided for state officers; *provided, however*, that the vote for candidates for United States senators shall be an advisory vote for the purpose of ascertaining the sentiment of the voters in the respective senatorial and assembly districts in the respective parties; *provided further* that members of the legislature shall be at liberty to vote either for the choice of their respective districts expressed at said primary election, or for the

Advisory vote on U. S. senators.

candidate for United States senator who shall have received the endorsement of their party at such primary election in the greatest number of districts electing members of such party to the legislature.

Primary law shall not apply.

This act shall not apply to special elections to fill vacancies; nor to the nomination of officers of municipalities, whose charters provide a system for nominating candidates for such offices; nor to the nomination of officers for any district organization not formed for municipal purposes, nor to school trustees in cities of the sixth class; nor to school district officers, other than those elected in a district of which an incorporated city or city and county or part of an incorporated city or city and county constitutes the whole or a part of such school district.

Date of primaries.

SEC. 3. The August primary election shall be held at the legally designated polling places in each precinct on the third Tuesday in August for the nomination of all candidates to be voted for at the ensuing November election.

Any primary election other than the August primary election shall be held on Tuesday, three weeks next preceding the election for which such primary election is held.

Designating offices for which nominations are to be made.

SEC. 4. 1. At least sixty days before the time for holding such August primary election in 1910, and biennially thereafter, the secretary of state shall prepare and transmit to each county clerk and to the registrar of voters in any city and county a notice in writing designating the offices for which candidates are to be nominated at such primary election.

Publication of notice.

2. Within ten days after receipt of such notice such county clerk or registrar of voters in any city and county shall publish so much thereof as may be applicable to his county, once in each week for six successive weeks in not more than two newspapers published in such county or city and county.

3. In the case of August primary elections for the nomination of candidates for city or city and county officers to be voted for at the November election in the odd numbered years, the city clerk or secretary of the legislative body in any such city or the registrar of voters in any such city and county shall cause the publication of notice of such primary election, together with a complete statement of the offices for which candidates are to be nominated, once in each week for four successive weeks in not more than two newspapers of general circulation published in such city or city and county, the last publication to be made not more than forty and not less than fourteen days before such primary election.

4. In the case of primary elections other than the August primary elections the city clerk or secretary of the legislative body of the political subdivision for which such primary election shall be held shall cause one publication of such notice to

be given, such publication to be not more than forty and not less than fourteen days before such primary election.

SEC. 5. 1. The name of no candidate shall be printed on an official ballot to be used at any primary election unless at least thirty days prior to the primary election, if the candidate is to be voted for at the August primary election, and at least fourteen days prior to the primary election, if the candidate is to be voted for at a primary election other than the August primary election, a nomination paper shall have been filed in his behalf as hereinafter provided by this act, in substantially the following form:

Nomina-
tion
papers.
When
filed, and
form.

STATE OF CALIFORNIA, }
County of..... } ss.

I, the undersigned, do solemnly swear (or affirm) that I am a qualified elector of (the..... precinct of the town of or county of) or (the precinct of the ward of the city of , county of) or (the precinct of the assembly district of the city and county of) State of California, and a member of the party, and I hereby nominate who resides at (No. street, city of.....) or (in the town of), county of as a candidate for the nomination for the office of to be voted for at the primary election to be held on the day of 19...., and I further declare that I intend to support for such nomination the candidate named herein.

Signed

Residence

Subscribed and sworn to before me this day of
....., 19...

2. All nomination papers shall be substantially in the above form and shall not be filed unless signed and verified before an officer authorized by the laws of this state to administer oaths, or before a special verification deputy appointed as follows.

Verifica-
tion.

The candidate may designate one or more special verification deputies who shall qualify by filing with the county clerk or registrar of voters an oath or affirmation in substance as follows:

Verifica-
tion
deputies.

STATE OF CALIFORNIA, }
County of..... } ss.

Affidavit
of verifica-
tion
deputy.

I,, depose and say: I am a qualified elector of the county of and of the (here insert the name of city, town or precinct) that I have been designated as a special verification deputy by, who desires to be the candidate of the party for the office of; that I can read and write the English language, and that in obtaining signatures to the nomination papers for the person named herein, I will faithfully observe the election laws of the State of California in so far as they are applicable to the preparation, signing and filing of nomination papers.

.....
(signature)

.....
(verification)

Such verification deputies shall have all the powers and be subject to all the penalties provided by section 1188 of the Political Code.

Require-
ments of
signers.

3. Each signer of a nomination paper shall sign but one such paper for the same office and shall verify the same as above provided. He shall add his occupation and residence, with street and number, if any, and if no street and number or either exists, then such a description of the place of residence, if in a city or city and county, as will enable the location to be readily ascertained; he shall also add the date of signing.

Binding
nomina-
tion
papers
together.

4. Such nomination papers prior to their filing must be fastened together and bound by precincts and arranged in all respects in the manner and form required for the arrangement, binding and fastening of original affidavits of registration by the provisions of section 1113 of the Political Code; *provided, however,* that for all nominations of candidates to be voted for in more than one county, or throughout the entire state, the nomination papers, properly assembled by precincts, may be consolidated and fastened or bound together by counties; but in no case shall nomination papers signed by electors of different counties be fastened or bound up together.

Examina-
tion of
nomina-
tion
papers.

The county clerk of any county or registrar of voters of any city and county shall examine all nomination papers herein provided for which purport to have been signed by electors of his county or city and county, and shall disregard any name appearing on such paper or papers which is not on the great register in his office. For the purpose of such examination and comparison of affidavits, the duplicate affidavits of registration on file in the office of such county clerk or registrar of voters shall be deemed part of the great register. Such

officer shall affix to all nomination papers a certificate reciting that he has examined the same and stating the number of names signed thereto which appear upon the great register. All nomination papers pertaining to state senators and assemblymen and to the nomination of candidates to be voted for in more than one county shall with such certificate attached be forwarded, within ten days after such paper or papers are left with any county clerk or registrar of voters for examination, to the secretary of state, who shall receive and file the same.

Filing
with
se retary
of state.

The verification of signatures to nomination papers shall not be made by the candidate, but each candidate shall file with his nomination paper or papers his affidavit, stating his residence, with street and number, if any; his election precinct; that he is a qualified elector in the election precinct in which he resides; the name of his party and that of the office for which he desires to be a candidate; that he affiliated with said party at the last preceding general election, and either that he did not vote thereat or voted for a majority of the candidates of said party at said next preceding general election, and intends to so vote at the ensuing election, and that if nominated he will accept such nomination and not withdraw, and that he will qualify as such officer if nominated and elected.

Affidavit
of
candidate.

5. Such nomination papers shall be signed as follows:

(a) If for a state officer or for United States senator, by at least one per centum of the voters of the party of such candidate, in each of at least ten counties in the state, and in the aggregate not less than one per centum nor more than ten per centum of the total vote of his party in the state.

Number
of signa-
tures
necessary.

(b) If for a representative in congress, or for any officer voted for in a district comprising more than two counties and less than the entire state, by at least two per centum of the voters of his party in at least one tenth of the election precincts in each of at least one half of the counties comprising such district, and in the aggregate not less than two per centum nor more than ten per centum of the total vote of his party in such district.

(c) If for a representative in congress or other officer to be voted for in a district comprising two counties, by at least two per centum of the voters of his party in at least one sixth of the election precincts of each county comprising such district, and in the aggregate not less than two per centum nor more than ten per centum of the total vote of his party in such district.

(d) If for any officer voted for entirely within one city, county, or city and county or any political subdivision constituting a part of such county, city and county or city, by at least three per centum of the party vote in at least one fourth

of all the election precincts within the district in which the officer is to be voted for, and in the aggregate not less than three per centum nor more than ten per centum of the total vote of the party in such district.

Basis of
percentage
for signa-
tures.

The basis of percentage in each case shall be the vote of the party for its candidate for presidential elector receiving the greatest number of votes at the last preceding presidential election. But any other political organization which had no candidate for presidential elector at such presidential election but which at such presidential election or at the last general state election was represented on the official ballot by either regular party candidates or by individual nominees only may, upon complying with the provisions of this act, have a separate primary election ticket as a political party, if any of its candidates or individual nominees received three per centum of the total vote cast at such presidential or general state election in the state or political subdivision thereof in which the candidate seeks the nomination. In such case the basis of percentage shall be the vote of that party for its candidate who received the greatest number of votes at such last preceding presidential election or at such last preceding general state election, in the state or political subdivision thereof in which the candidate seeks the nomination.

Ineligi-
bility of
defeated
candidate.

Nothing herein shall be construed as prohibiting the independent nomination of candidates to be voted for at any general election, by electors or bodies of electors, as provided by section 1188 of the Political Code, but a candidate defeated at a primary election held under the provisions of this act shall be ineligible for nomination to the same office at the same election.

SEC. 6. All nomination papers provided for by this act shall be filed as follows:

Nomina-
tion
papers,
where
filed.

1. For state officers, United States senators, representatives in congress and all officers voted for in districts comprising more than one county, in the office of the secretary of state.

2. For officers to be voted for wholly within one county or city and county, except representatives in congress, in the office of the county clerk of such county or in the office of the registrar of voters in such city and county.

3. For city officers, in the office of the city clerk or secretary of the legislative body of such city or municipality.

4. When nomination papers shall have been received which contain ten per centum of the total vote as limited by subdivision 5 of section 5 of this act, the officer with whom such papers are required to be filed shall not receive or file further nomination papers for the candidate named therein.

SEC. 7. 1. A filing fee of fifty dollars shall be paid to the secretary of state when the nomination paper or papers

and affidavit for any candidate for state office or the United States senate are filed with such secretary of state.

2. A filing fee of twenty-five dollars shall be paid to the secretary of state when the nomination paper or papers and affidavit of any candidate for representative in congress or for any office, except member of senate and assembly, to be voted for in any district comprising more than one county are filed with such secretary of state.

Fees for
filing
nomina-
tion
papers.

3. A filing fee of ten dollars shall be paid to the county clerk or registrar of voters in any city and county when the nomination paper or papers and affidavit of any candidate to be voted for wholly within one county or city and county are filed with such county clerk or registrar of voters.

4. A filing fee of ten dollars shall be paid by the candidate for assembly or senate to the officer with whom his nomination papers are filed.

5. A filing fee of ten dollars shall be paid to the city clerk or secretary of the legislative body of any municipality when the nomination paper or papers and affidavit of any candidate for a city office are filed with such clerk or secretary of such legislative body.

6. No filing fee shall be required from any candidate for an office to the holder of which no compensation is required to be paid or for township offices.

SEC. 8. The county clerk shall immediately pay to the county treasurer and the registrar of voters in any city and county shall immediately pay to the city and county treasurer all fees received from candidates. The city clerk or secretary of the legislative body of any municipality shall immediately pay to the city treasurer all fees received from candidates.

Disposi-
tion of
filing fees.

Immediately after the last day for filing nomination papers the secretary of state shall pay to the state treasurer all fees received from candidates and shall apportion the fees paid to him by each candidate equally among the counties within which such candidate is to be voted for and certify such apportionment to the state controller, who shall issue warrants on the state treasurer for the amount due each county and the state treasurer shall pay the same.

SEC. 9. The expense of providing all ballots, blanks and other supplies to be used at any primary election provided for by this act and all expenses necessarily incurred in the preparation for or the conduct of such primary election shall be paid out of the treasury of the city, city and county, county or state, as the case may be, in the same manner, with like effect and by the same officers as in the case of elections.

Expenses,
How paid.

SEC. 10. At least twenty-five days before any August primary election preceding a November election the secretary of state shall transmit to each county clerk or registrar of

List of
candi-
dates.

voters in any city and county a certified list containing the name and post office address of each person for whom nomination papers have been filed in the office of such secretary of state and who is entitled to be voted for in such county at such primary election, together with a designation of the office for which such person is a candidate and of the party or principle he represents.

Publish-
ing notice
of election.

Such county clerk or registrar of voters shall forthwith, upon receipt thereof, publish under the proper party designation the title of each office, the names and addresses of all persons for whom nomination papers have been filed, the date of the primary election, the hours during which the polls will be open, and that the primary election will be held at the legally designated polling places in each precinct, which shall be particularly designated. It shall be the duty of the county clerk or registrar of voters in any city and county to cause such publication to be made for two successive weeks prior to said primary election.

Where
pub-
lished—
how often.

SEC. 11. Every publication required by this act shall be made in not more than two newspapers of general circulation published in such county or city and county, and one of such newspapers shall represent the political party that cast at the last preceding general election the highest number of votes in such county or city and county, and one of such newspapers, if any, shall represent the party which cast the next highest number of votes at such election. In any case where the publication of the notices provided for by this act can not be made as hereinbefore provided it shall be made in any newspaper having a general circulation in the city or county in which the notice is required to be published.

Descrip-
tion and
form of
primary
ballot.

SEC. 12. 1. All voting at primary elections within the meaning of this act shall be by ballot. A separate official ballot for each political party shall be printed and provided for use at each voting precinct. It shall be the duty of the county clerk of each county or of the registrar of voters in any city and county to provide such printed official ballots to be used at any August primary election for the nomination of candidates to be voted for in such county or city and county at the ensuing November election. It shall be the duty of the city clerk or secretary of the legislative body of any municipality to provide such printed official ballots for any primary election other than the August primary election. Such official ballots to be used at any primary election shall be printed on official paper, furnished by the secretary of state, in the manner provided by section 1196 of the Political Code, and in the form hereinafter provided. The names of all candidates for the respective offices for whom the prescribed nomination papers have been duly filed shall be printed thereon.

2. Official primary election ballots used at any primary election for the nomination of candidates to be voted for at any presidential or general state election shall be not less than twelve inches wide and as long as the herein prescribed captions, headings, party designations, directions to voters and lists of names of candidates, properly subdivided according to the several offices to be nominated for, may require; and no official primary election ballot shall be less than six and one half inches wide.

3. Across the top of the ballot shall be printed in heavy faced gothic capital type, not smaller than forty-eight point, the words: "Official Primary Election Ballot." Beneath this heading shall be printed in heavy faced gothic capital type, not smaller than twenty-four point, the party designation. Following the party designation there shall be printed in heavy faced gothic type, not smaller than fourteen point, the official designation of the election precinct in the assembly district or ward of any municipality, as the case may be, and the date of the primary election. The instructions to voters shall be printed in ten point gothic type. In the case of official primary election ballots to be used at any primary election held for the nomination of candidates other than those to be voted for at a presidential or a general state election, and on which, in accordance with the provisions of this act, the names of candidates may be printed in a single column or in two parallel columns, as the case may be, the words "Official Primary Election Ballot" shall be printed thereon in heavy faced gothic capital type, not smaller than twenty-four point. The party designation shall be printed in heavy faced gothic capital type, not smaller than eighteen point. The official designation of the election precinct, the assembly district or ward in any municipality, as the case may be and the date of primary election, shall be printed in heavy faced gothic type, not smaller than twelve point. The instructions to voters shall be printed in ten point gothic type.

Descrip-
tion and
form of
ballot.

4. At least three eighths of an inch below the voting precinct designation and the date of the primary election shall be printed in ten point gothic type, double leaded, the following instructions to voters:

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. To vote for delegates to conventions write or paste the name or names of the qualified elector or electors in the blank space or spaces provided therefor.

When to
write
name of
candidate.

Description and form of ballot.

5. The instructions to voters shall be separated from the lists of candidates and the designations of the several offices to be nominated for by one light and one heavy line or rule. The names of the candidates and the respective offices shall, except as may be hereinafter otherwise provided, be printed on the ballot in four or more parallel columns, each two and one half inches wide. The number of such parallel columns shall be exactly divisible by two, and such parallel columns shall be equally divided on the ballot for state and county tickets by a solid black line, extending down from the printed lines separating the instructions to voters from the lists of names of candidates to the bottom margin of the ballot. In the case of a primary election for the nomination of candidates to be voted for at a presidential or general state election the order of precedence shall be as follows, that is to say: In the columns to the left of the solid black dividing line shall be printed the groups of names of candidates for nomination to state, district and judicial offices, United States senator in congress if any, representative in congress, state senator and member of assembly. In the parallel columns to the right of the heavy black dividing line shall be printed the groups of names of candidates for nomination to county and township offices and to the office of justice of the peace. In the case of primary elections for the nomination of candidates for city, city and county or municipal offices only, the groups of names of candidates may be printed in two parallel columns and the order of precedence shall be determined by the legislative body of such city or municipality or by the board of election commissioners of any such city and county. In the case of primary elections for the nomination of congressional candidates including United States senator in congress, legislative and judicial officers other than justice of the peace, the groups or lists of names of candidates may be printed on the ballot in a single column, and shall be printed in the following order of procedure, that is to say: Judicial officers, except judges of the superior court, United States senator in congress, representative in congress, state senator, member of the assembly, judge of the superior court, county and township officers, if any, and delegates to county conventions.

6. The names of the candidates shall be grouped in alphabetical order according to surname and each group shall be preceded by the designation of the office for which the candidates seek nomination and the words "vote for one" or "vote for two" or more, according to the number to be nominated. Such designation of the office to be nominated for and of the number of candidates to be nominated shall be printed in heavy faced gothic type, not smaller than ten point. The word or words designating the office shall be printed flush with the left hand

margin and the words "vote for one" or "vote for two" or more, as the case may be, shall extend to the extreme right of the column and over the voting square. The designation of the office and the direction for voting shall be separated from the names of the candidates by a light line.

Description
tion and
form of
ballot.

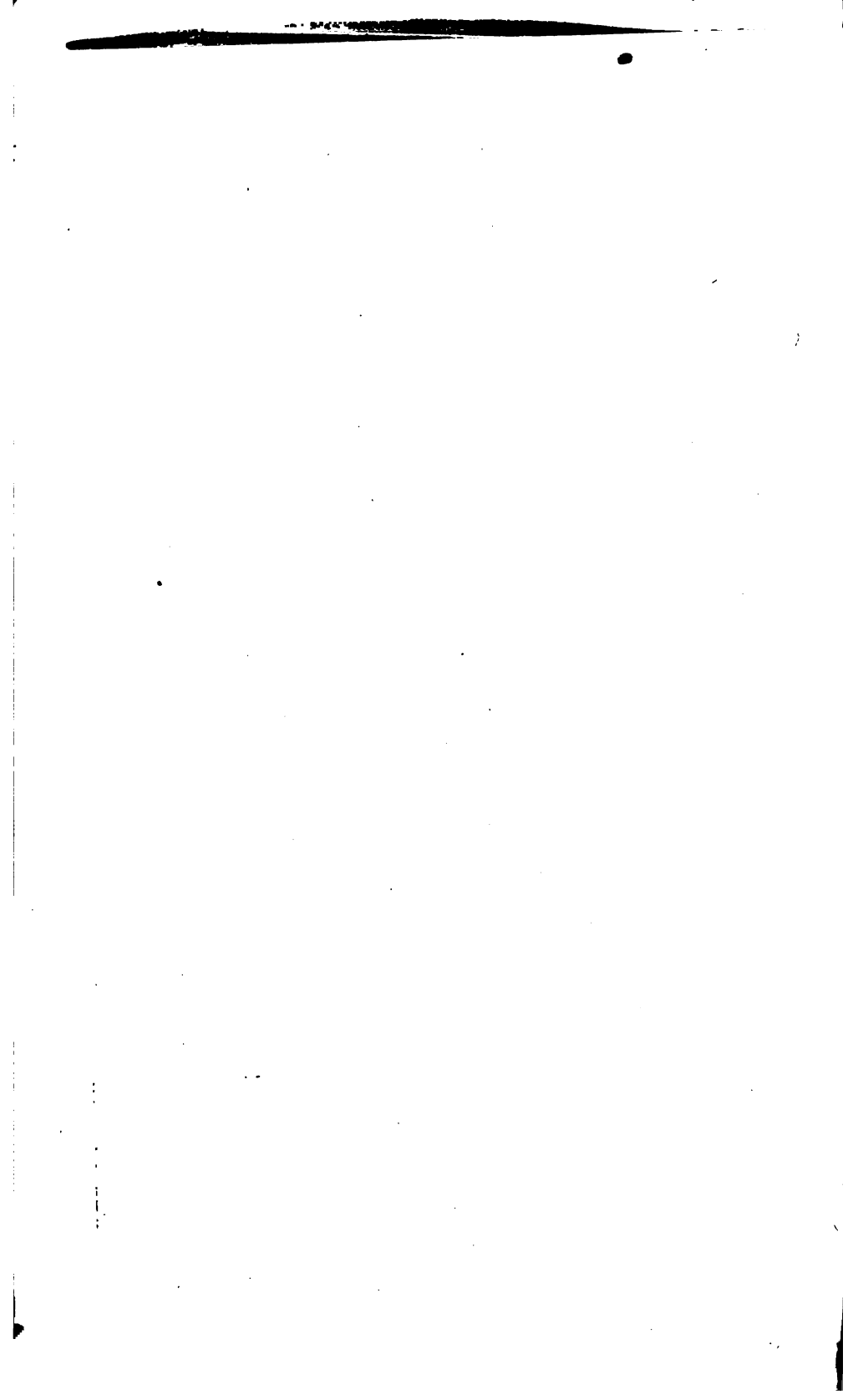
7. The names of the candidates shall be printed on the ballot, without indentation, in roman capital type not smaller than eight point, between light lines or rules three eighths of an inch apart. Under each group of names of candidates shall be printed as many blank spaces, defined by light lines or rules, three eighths of an inch apart, as there are to be candidates nominated for such office. To the right of the names of the candidates shall be printed a light line or rule so as to form a voting square three eighths of an inch square. Each group of names of candidates shall be separated from the succeeding group by one light and one heavy line or rule. Each series of groups shall be headed by the word "state," "congressional," "legislative," "county and township" or "municipal" or other proper general classification, as the case may be, printed in heavy faced gothic capital type, not smaller than twelve point. All official primary election ballots shall have printed on the back and immediately below the center thereof, in eighteen point gothic capital type, the words "Official Primary Election Ballot," and underneath these words the respective numbers of the congressional, senatorial and assembly districts in which each ballot is to be voted. In the case of a primary election for the nomination of candidates for city or city and county offices only, the designations on the back of the ballot, in addition to the words "Official Primary Election Ballot," shall be the official designation of the respective ward and voting precinct in any such city or municipality, or the number of the assembly district and of the voting precinct in any such city and county in which each ballot is to be voted.

8. At the bottom of the last column on any official primary election ballot to be voted in August for the nomination of candidates to be voted for at the ensuing November election, there shall be left as many blank spaces defined by light lines or rules three eighths of an inch apart as there are delegates to be elected to the county convention of such party as shall have been previously apportioned by the county committee of such party and which shall be preceded by the words "delegates to county convention," "vote for one" or "vote for two," or more as the case may be, according to such apportionment, in which blank spaces the voter may write or paste the name or names of qualified electors of his party as delegates to the county convention of such party.

Descrip-
tion and
form of
ballot.

The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line across the top of the ballot. On each ballot a perforated line shall extend from top to bottom one half inch from the right hand side of such ballot, and upon the half-inch strip thus formed there shall be no printing except the number of the ballot which shall be on the back of each strip, in such position that it shall appear on the outside when the ballot is folded. The number on each ballot shall be the same as that on the corresponding stub, and the ballots and stubs shall be numbered consecutively in each county, *provided* that the sequence of numbers on such official ballots and stubs for each party shall begin with the number one.

9. The official ballots of each political party shall be made up in blocks of one hundred ballots in the manner provided by law for official election ballots, and shall be printed in substantially the following form:



SEC. 13. At least twenty days before the August primary election each county clerk or registrar of voters in any city and county shall prepare separate sample ballots for each political party, placing thereon alphabetically, according to surnames, under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him, or have been certified to him by the secretary of state, to be voted for at the primary election in his county or city and county. Such sample ballots shall be printed on tinted or colored paper, but such sample ballots need not be mailed to the voters.

Sample
ballots.

Such clerk or registrar of voters shall forthwith submit the ticket of each political party to the chairman of the county committee of such party and shall mail a copy to each candidate for whom nomination papers have been filed with him or whose name has been certified to him by the secretary of state, to the post office address as given in such nomination paper or certification, and he shall post a copy of each sample ballot in a conspicuous place in his office. Such clerk or registrar of voters shall also cause such sample ballots to be published twice in not more than two newspapers of general circulation published in his county or city and county, and such publication shall be made not more than twenty days nor less than ten days before such primary election.

Ticket to
be sub-
mitted to
party
chairmen.

Before such primary election the county clerk or registrar of voters in any city and county shall cause the official ballot to be printed as provided by section 12 of this act, and distributed as provided by law, except that the number of party ballots to be furnished to each voting precinct shall be apportioned at the ratio of 150 such party ballots for each 100 voters of such party registered in such precinct.

Distribu-
tion of
tickets.

In the case of primary elections for the nomination of candidates for city offices it shall be the duty of the city clerk, secretary of the legislative body of such city or municipality, or such other officer charged by law with the duty of preparing and distributing the official ballots used at elections in such city or municipality, to prepare and publish the sample ballot and to prepare and distribute the official primary election ballots, and so far as applicable and not otherwise provided herein the provisions of this act shall apply to the nomination of all candidates for city offices; *provided*, that the lists of candidates shall be published at least ten days before such primary election and the official ballot printed at least four days before the day of holding such primary election.

City
election
ballots.

SEC. 14. The polls must be opened at six o'clock of the morning of the day of primary election and must be kept open until six o'clock in the afternoon of the same day, when the

Opening
and clos-
ing polls.

polls shall be closed; *provided, however*, that if at the hour of closing there are any voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. But no one who shall arrive at the polling place after six o'clock in the afternoon shall be entitled to vote, although the polls may be open when he arrives. No adjournment or intermission shall be taken except as provided in the case of elections.

Election
officers,
duty and
compen-
sation.

SEC. 15. The officers for primary elections shall be the same as provided by law for general elections, and such officers shall receive the same compensation for their services at primary elections as provided by law for general elections.

It shall be the duty of the proper officers to furnish the original affidavits of registration, indexes and supplements thereto, for use at primary elections, which shall show the names of all voters entitled to vote at such primary elections. And all the provisions of section 1366 of the Political Code, so far as they are consistent with the provisions of this act, are hereby made applicable to primary elections within the meaning of this act.

Grounds
of
challenge.

SEC. 16. Any elector offering to vote at a primary election may be challenged by any elector of the city, city and county or county, upon either or all of the grounds specified in section 1230 of the Political Code, but his right to vote the primary election ticket of the political party designated in his affidavit of registration, as provided in section 1366a of the Political Code, shall not be challenged on any ground or subjected to any tests other than those provided by the constitution and section 1230 of the Political Code of this state.

Who
entitled to
vote.

SEC. 17. Any elector who has, at least twenty days before the day of any primary election, qualified by registration and by declaration of the political party with which he intends to affiliate, as provided by section 1366a of the Political Code, shall be entitled to vote at such primary election, such right to vote being subject to challenge only as hereinbefore provided; and shall, on writing his name or having it written for him on the roster, as provided by law for general elections in this state, receive the official primary election ballot of the political party designated in his affidavit of registration, and no other.

Instruct-
ing voters.
Spicled
ballots.

He shall be instructed by a member of the board as to the proper method of marking and folding his ballot, and he shall then retire to an unoccupied booth and without undue delay stamp the same with the rubber stamp there found. If he shall spoil or deface the ballot he shall at once return the same to the ballot clerk and receive another.

SEC. 18. The voter shall designate his choice on the ballot by stamping a cross (X) in the small square opposite the name of each candidate for whom he wishes to vote. If he shall stamp more names than there are candidates to be nominated for any office, or if for any reason it be impossible to determine his choice for any office, his ballot shall not be counted for such office, but the rest of his ballot, if properly stamped, shall be counted. No ballot shall be rejected for any technical error which does not render it impossible to determine the voter's choice, nor even though such ballot be somewhat soiled or defaced.

Ballots.
How
stamped.

When
rejected.

SEC. 19. When a voter has stamped his ballot he shall fold it so that its face shall be concealed and only the printed designation on the back thereof shall be visible, and hand the same to the member of the board in charge of the ballot box. Such folded ballot shall be voted as ballots are voted at general elections and the name of the voter checked upon the register as having voted.

Folding
ballot and
voting.

SEC. 20. No adjournment or intermission whatever shall take place until the polls shall be closed and until all the votes cast at such polls shall be counted and the result publicly announced, but this shall not be deemed to prevent any temporary recess while taking meals or for the purpose of other necessary delay; *provided*, that no more than one member of the board shall at any time be absent from the polling place.

Election
board.
Adjourn-
ments and
duties.

SEC. 21. As soon as the polls are finally closed the judges must immediately proceed to canvass the votes cast at such primary election. The canvass must be public, in the presence of bystanders, and must be continued without adjournment until completed and the result thereof declared. Except as hereinafter provided, the canvass shall be conducted, completed and returned as provided by sections 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267 and 1268 of the Political Code of this state.

Counting
and
return of
votes.

The number of ballots agreeing or being made to agree with the number of names on the lists, as provided by section 1255 of the Political Code, the board must take the ballots from the box, count those cast by each party, and string them separately; count all the votes cast for each party candidate for the several offices and record the same on separate tally lists for each party.

SEC. 22. The board of supervisors of each county, the board of election commissioners in any city and county, or, in the case of a city or municipal primary election, the officers charged by law with the duty of canvassing the vote at any city or municipal election in such political subdivision, shall meet at the usual place at ten o'clock in the forenoon of the first Thursday after each primary election to canvass the returns.

Canvass-
ing
election
returns.

Adjourn-
ing
canvass.

If at the time of meeting the returns from each precinct in the county, city and county or other political subdivision in which polls were opened have been received the board must then and there proceed to canvass the returns; but if all the returns have not been received the board may adjourn to one o'clock in the afternoon of the following Monday, when the canvass shall begin and be continued until completed, which shall not be later than six o'clock in the afternoon of the sixteenth day following such primary election.

Record
of
canvass.

The clerk of the board must, as soon as the result is declared, enter upon the records of such board a statement of such result, which statement shall contain the whole number of votes cast for each candidate of each political party, and for delegates to county and municipal conventions, if any, and a duplicate as to each political party shall be delivered to the county, city and county or city chairman of such political party, as the case may be.

Filing
statements
of result.

The clerk shall also make an additional duplicate statement in the same form, showing the votes cast for each candidate not voted for wholly within the limits of such county or city and county. The county clerk or registrar of voters in any city and county shall forthwith send to the secretary of state by registered mail one complete copy of all returns as to such candidates, and as to all candidates for the state assembly, state senate, representatives in congress and judicial offices, except justices of the peace.

The clerk shall also prepare a separate statement of the names of the candidates of each political party who have received the highest number of votes for the several offices to be voted for wholly within such county, city and county or other political subdivision in which such primary election was held.

Compila-
tion of
returns.

The secretary of state shall, not later than the twenty-fifth day after any primary election, compile the returns for all candidates voted for in more than one county, and for all candidates for the assembly, state senate, representatives in congress and judicial offices, except justices of the peace, and shall make out and file in his office a statement thereof.

Who are
the party
nominees.

SEC. 23. The person receiving the highest number of votes at a primary election as the candidate for the nomination of a political party for an office shall be the candidate of the party for such office, and his name as such candidate shall be placed on the official ballot voted at the ensuing election. The elector receiving the highest number of votes of his party in his district, ward or precinct for delegate shall be a representative of his party from the political subdivision in which he was elected in all conventions of his party in such county or city in which such political subdivision is entitled to represen-

Delegates
to con-
ventions.

tation. When two or more delegates are to be elected from the same political subdivision, the elector receiving a plurality over the elector next in number of votes, shall be declared elected, until as many delegates have been chosen as have been apportioned to such district, ward or precinct.

It shall be the duty of the officers charged with the canvass of the returns of any primary election in any county, city and county or municipality to cause to be issued official certificates of nomination to such party candidates as have received the highest number of votes as the candidates for the nomination of such party for any offices to be voted for wholly within such county, city and county, or municipality, and cause to be issued to such delegate a certificate of his election.

Certificates of nomination.

It shall be the duty of the secretary of state to issue official certificates of nomination to candidates nominated under the provisions of this act for representatives in congress and officers voted for in more than one county.

Not less than twenty-five days before the November election the secretary of state shall certify to the county clerks or registrars of voters of each county and city and county within the state, the name of every person entitled to receive votes within such county or city and county at said November election who has received the nomination as a candidate for public office under and pursuant to the provisions of this act, and whose nomination is evidenced by the compilation and statement required to be made by said secretary of state and filed in his office, as provided in section 22 of this act. Such certificates shall in addition to the names of such nominees respectively, also show separately and respectively for each nominee the name of the political party or organization which has nominated such person and the designation of the public office for which he is so nominated.

Certification of party nominees to county clerks.

It shall also be the duty of the secretary of state to compile the returns for United States senator in congress, if any, and prepare a statement thereof, showing the vote cast for said candidate of each party in each assembly and senatorial district. A duplicate of such statement in so far as it shall be applicable to such party shall be transmitted to the state chairman of each political party. And it shall be the duty of the secretary of state to transmit duplicates of said statements to the speaker of the assembly and the president of the senate on the first day of the next ensuing session of the legislature.

Compilation of senatorial advisory vote.

SEC. 24. 1. Party conventions of delegates chosen as hereinafter provided may be held in this state, or any political subdivision thereof, for the purpose of promulgating platforms and transacting such other business of the party as is not inconsistent with the provisions of this act.

Party conventions and their purposes.

State convention.
How
called.

2. A state convention shall be called in the manner following: The state central committee of any political party shall at least fifty days prior to the August primary election file a written petition signed by the chairman and secretary thereof with the secretary of state, and mail a copy thereof to the chairman and secretary of each county central committee of said party in the state, which petition shall set forth the date and place of holding the state convention of said political party, and the number of delegates entitled to seats therein, also the number of delegates apportioned to each county, together with a brief statement of the purposes for which said convention shall be assembled. All delegates to state conventions shall be elected by county conventions, as provided in subdivision three of this section.

Presidential conventions
and delegates.

In years when candidates for president and vice-president of the United States are to be nominated, the state central committee of any political party shall issue a call for a state convention to be held in the month of May, for the purpose of electing delegates to the national convention to nominate candidates for president and vice-president of the United States. Said call shall be filed with the secretary of state at least fifty days before the date fixed for said state convention, and a copy thereof, signed by the chairman and secretary of the state central committee, shall be mailed to the chairman and secretary of each county committee of their respective parties within the state. The call for said convention shall fix the time and place for holding said state convention, together with a statement of the number of delegates entitled to seats therein, and the number of delegates apportioned to each county. The chairman and secretary of each county committee shall, within ten days after receipt of a copy of the call for the May state convention issued by the state central committee, issue a call for the assembling of a county convention, which county convention shall be composed of the delegates elected to the county convention at the last preceding August primary election. Such call shall be filed with the county clerk and a copy thereof mailed to each delegate within such county. The call issued by the county committee shall set forth the time and place for holding such county convention and the purposes of such convention, together with a statement of the number of delegates to the state convention to be chosen by said county convention.

County conventions.
How
called, and
delegates.

3. A county convention shall be called in the manner following: The county central committee of any political party shall at least thirty days prior to each August primary election, file a written petition signed by its chairman and secretary, with the county clerk, which petition shall contain the date and place of holding such convention, the number of delegates entitled to seats therein, also the number of delegates

apportioned to each election subdivision in the territory which said convention will represent; also a brief statement of the purposes for which such convention is called, and the chairman and secretary of such county central committee shall mail or cause to be mailed a notice containing the substance of such petition to each committeeman of such party in the county. Such convention notice shall provide for the election of as many delegates to the state convention as shall have been apportioned by the call of the state central committee to such county, and shall also provide for the selection of a county central committee, which shall have control and management of the party campaign. In any county the county committee shall be selected by the county convention.

4. City and county or municipal conventions shall be called in like manner as state and county conventions, and delegates thereto shall be elected at primary elections held in such city and county or municipality to nominate candidates for office in such political subdivisions in like manner as herein provided for the election of delegates to county conventions. In any city and county the petition calling such convention shall be filed with the registrar of voters, and in municipalities, with the secretary or clerk of the legislative body of such municipality, and the names of candidates for delegates to such conventions shall be written or pasted on the official primary ballot in like manner and form as herein provided for county conventions. In any city and county the county committee shall be selected by the county convention.

City conventions.
How
called, and
delegates.

5. County, city and county, and municipal conventions shall be held not later than two weeks after the primary election at which delegates to such conventions are chosen, and the state convention not later than four weeks after the August election.

Each party candidate nominated for the state assembly may, not later than Tuesday two weeks after the primary election, appoint an assembly district committee, which committee shall consist of not less than one member from each voting precinct in such assembly district. Such committee, if any, shall serve for the term of two years.

Date of
conven-
tions.

Each party candidate nominated for the state senate may, not later than Tuesday two weeks after the primary election, appoint a state senatorial district committee, which committee shall consist of not less than seven members from each assembly district in such state senatorial district. Such committee, if any, shall serve for the term of four years.

Legisla-
tive cam-
paign
com-
mittees.

Each party candidate nominated for representative in congress may, not later than Tuesday three weeks after the primary election, appoint a congressional district committee, which committee shall consist of not less than one nor more

than three members from each assembly district in such congressional district. Such committee, if any, shall serve for the term of two years.

State central and executive committees.

State central committees shall be selected by the state conventions of each political party, to consist of not less than three members from each congressional district, who shall hold office until a new state central committee shall have been selected. Each such committee may select an executive committee and shall choose its officers by ballot and each committee and its officers shall have the powers usually exercised by such committees and the officers thereof in so far as may be consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with the provisions of this act.

Vacancies.

SEC. 25. Vacancies occurring after the holding of any primary election shall be filled by the party committee of the city, county, city and county, district or state, as the case may be.

Tie votes.

SEC. 26. In case of a tie vote, if for an office to be voted for wholly within one county or city and county, the county, city and county or city board, as the case may be, shall forthwith summon the candidates who have received such tie votes to appear before such board, and such board in the presence of such candidates shall determine the tie by lot. In the case of a tie vote for an office to be voted for in more than one county, such tie shall be determined by lot by the secretary of state in the presence of the candidates or their legally appointed representatives.

Correcting errors in ballot.

SEC. 27. Whenever it shall be made to appear by affidavit to the supreme court or district courts of appeal or superior court of the proper county that an error or omission has occurred or is about to occur in the placing of any name on an official primary election ballot, that any error has been or is about to be committed in printing such ballot, or that any wrongful act has been or is about to be done by any judge or clerk of a primary election, county clerk, registrar of voters in any city and county, canvassing board or any member thereof, or other person charged with any duty concerning the primary election, or that any neglect of duty has occurred or is about to occur, such court shall order the officer or person charged with such error, wrong or neglect to forthwith correct the error, desist from the wrongful act or perform the duty, or forthwith show cause why he should not do so. Any person who shall fail to obey the order of such court shall be cited forthwith to show cause why he shall not be adjudged in contempt of court.

Contests.

SEC. 28. Any candidate at a primary election desiring to contest the nomination of another candidate for the same office

may proceed by affidavit within five days after the completion of the canvass, as provided in section 27 of this act. And the contestee shall be required by the order of such court to appear and abide the further order of the court.

SEC. 29. No candidate for nomination to any elective office, including that of United States senator in congress, shall directly or indirectly pay, expend or contribute any money or other valuable thing, or promise so to do, except for legal expenses as the same are hereinafter defined and limited: Candi-
date's
expenses.
Legal and
limita-
tion.

1. For the candidate's official filing fee.
2. For the circulating and verifying of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.
9. For clerk hire.
10. For conveying infirm or disabled voters to and from the polls.

SEC. 30. No candidate for nomination to any elective office, including that of United States senator in congress, shall, directly or indirectly, pay or expend in the aggregate, or promise, agree or offer to pay, contribute or expend, for legal expenses as enumerated in section 29, any money or other valuable thing, in order to secure, or aid in securing, his nomination, in excess of a sum determined as follows: When the total vote within the same constituency at the last preceding general election did not exceed five thousand, two hundred and fifty dollars; for each one hundred voters over five thousand and under twenty-five thousand, two dollars; for each one hundred voters over twenty-five thousand and under fifty thousand, one dollar; and for each one hundred voters over fifty thousand, fifty cents.

SEC. 31. Every person who shall be a candidate for nomination to any elective office, including that of United States senator in congress, shall make in duplicate, within twenty-eight days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure

Verified
statement
of ex-
pendi-
tures.

his nomination; that the affiant has used all reasonable diligence in preparing to make such statement and that the same is as full and explicit as he is able to make it. And within the time aforesaid he shall file one copy thereof with the officer authorized to issue the certificate of nomination and the other with the recorder of the county or city and county in which he resides. No officer shall issue any certificate of nomination to any person until such statement has been filed by him.

Inhibition
against
bribery

SEC. 32. Any person who shall offer, or with knowledge of the same permit any person to offer for his benefit, any bribe to a voter to induce such voter to sign any nomination paper, and any person who shall accept such bribe or any promise of gain of any kind in the nature of a bribe as consideration for signing any nomination paper, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after signing, shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than one hundred and twenty days, or by both such fine and imprisonment.

Suppression
of
nomination
papers.

2. Any person who, being in possession of any nomination paper or papers and affidavits entitled to be filed under the provisions of this act, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time and in the proper place shall be guilty of a misdemeanor, and upon trial and conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Offenses
and
penalties.

3. Any act or omission declared to be an offense by the general laws of this state concerning primaries and elections shall also in like case be an offense concerning primary elections as provided for by this act, and shall be punished in the same manner and form as therein provided, and all the penalties and provisions of the law governing elections, except as herein otherwise provided, shall apply in equal force to primary elections as provided for by this act.

SEC. 33. It shall be the duty of the secretary of state and the attorney general to prepare on or before August 1, 1909, all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primary elections held in pursuance hereof.

SEC. 34. All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

SEC. 35. This act shall take effect and be in force from and after June 1, 1909.

(The following forms were approved by C. F. Carry, Secretary of State, and U. S. Webb, Attorney General, on July 21, 1909, in accordance with section 33 of the Primary Act.)

**DESIGNATION OF OFFICES FOR WHICH CANDIDATES
ARE TO BE NOMINATED.**

DEPARTMENT OF STATE.

SACRAMENTO, CALIFORNIA,
....., 19...

To the County Clerk of County:

Pursuant to section 4, paragraph 1, of the Direct Primary Act of 1909, requiring the secretary of state to certify to each county clerk and registrar of voters in writing the offices for which candidates are to be nominated at the August primary election to be held on Tuesday, August, 19..., I hereby certify that on said day party nominations are to be made for the following state, district, and county offices:

STATE OFFICES.

1. Governor.
2. Lieutenant Governor.
3.
4.
5.

DISTRICT OFFICES.

1. Railroad Commissioner.
2. Member State Board of Equalization.
3. Judge District Court of Appeal.
4.

COUNTY OFFICES.

1. Judge of Superior Court.
2. District Attorney.
3. Sheriff.
4. County Clerk.
5.
6.

[Include any county and all township officers not herein designated.]

Within ten days from the receipt of this notice so much thereof as is applicable to your county must be published at least once each week for six successive weeks, in not more than two newspapers published in your county pursuant to paragraph 2 of section 4 of said act.

[SEAL.]

.....,
Secretary of State.

PRIMARY ELECTION NOTICE FOR COUNTY OR CITY AND COUNTY.

[Section 4, Paragraph 2, Direct Primary Act of 1909.]

To the Electors of County:

NOTICE IS HEREBY GIVEN that at the primary election to be held on Tuesday, the day of August of this year, candidates are to be nominated by the respective political parties for the following state, district, and county offices:

STATE OFFICES.

1. Governor.
2. Lieutenant Governor.
3. Secretary of State.
4.
5.

DISTRICT OFFICES.

1. Judge of the District Court of Appeal.
2. Railroad Commissioners.
3.
4.

COUNTY OFFICES.

1. Judge of the Superior Court.
2. District Attorney.
3. Sheriff.
4. County Clerk.
5.
6.

NOTE.—Only state, district, and county offices for which nominees are to be voted for within the county should be printed in the published notice. First publication should be made as soon as received, and not later than ten days thereafter.

The notice designating the office for which candidates are to be nominated was received from the Secretary of State on day of, 19..., and the first publication of this notice was made on the day of, 19....

[SEAL.]

.....,
County Clerk.

**NOMINATION PAPER BY AN ELECTOR ON BEHALF
OF CANDIDATE.**

[Section 5, Direct Primary Act of 1909.]

No. Surname initial

..... *County*, *Assembly District*.
..... *Precinct* *Ward* *City*.
Nomination paper of, candidate for
party nomination for

STATE OF CALIFORNIA, }
County of } ss.

I, the undersigned, do solemnly swear (or affirm) that I am
a qualified elector of (the precinct of the
town of or county of) or
(the precinct of the ward
of the city of, county of)
or (the precinct of the
assembly district of the city of, county of
.....), State of California, and a member of the
..... party, and I hereby nominate
who resides at (No. street, city of) or
(in the town of) county of,
State of California, as a candidate for the
nomination for the office of to be voted for
at the primary election to be held on the day of
....., 19... I have not signed the nomination
paper of any other candidate for the same office, and I further
declare that I intend to support for such nomination the
candidate named herein.

(Signature)

Occupation
Residence No. street.

Subscribed and sworn to before me, this day of
....., 19...

.....
NOTE.—Nomination papers for each precinct must be alphabetically
arranged by surnames, numbered and bound together for filing (see section
1113, Political Code), and must be signed and verified before an officer
authorized by the laws of California to administer oaths, or before a
special verification deputy, as provided in the act.

**APPOINTMENT OF SPECIAL VERIFICATION DEPUTY
BY CANDIDATE.**

[Section 5, Paragraph 2, Direct Primary Act of 1909.]

I, the undersigned, a candidate for the
party nomination for the office of
State of California, which nomination is to be made by direct
vote at a primary election to be held pursuant to law in said
..... on the day of
19..., do hereby designate, occupation
....., a qualified elector of the county of
....., residing at No. street, city (or)
town of, State of California, as a special
verification deputy, to take the oath of any person or persons
who may sign a nomination paper or papers to nominate me
as a candidate for said office in the manner provided by law.

Signature:

Residence

Filed in the office of the county clerk of
county this day of, 19...

.....
County Clerk.

By:
Deputy.

NOTE.—To be filed with the county clerk or registrar of voters.

AFFIDAVIT OF SPECIAL VERIFICATION DEPUTY.

[Section 5, Paragraph 2, Direct Primary Act of 1909.]

FOR
CANDIDATE FOR PARTY
NOMINATION FOR

STATE OF CALIFORNIA, }
County of } ss.

I,, depose and say: I am a qualified elector of the county of, and of the city of, or (town of), or (..... precinct), of the aforesaid county; that I have been designated as a special verification deputy by who desires to be a candidate of the party for the office of; that I can read and write the English language and that in obtaining signatures to the nomination papers of the person named herein, I will faithfully observe the election laws of the State of California, in so far as they are applicable to the preparation, signing and filing of nomination papers.

.....
Subscribed and sworn to before me, this day of
....., 19...

[SEAL.]

.....,
Notary Public (or other official).

NOTE.—To be filed with the county clerk or registrar of voters.

CERTIFICATE OF QUALIFICATION OF SPECIAL VERIFICATION DEPUTY.

[Section 5, Paragraph 2, Direct Primary Act of 1909.]

STATE OF CALIFORNIA,
County of } ss.

TO ALL WHOM THESE PRESENTS COME, GREETING: I,.....
....., county clerk of the county of
in said State, do hereby certify that
occupation, residing at No.
..... street, city (or) town of
in said county, has been designated as a special verification
deputy by
a candidate for the party nomination for
the office of
pursuant to the direct primary election law of said state, and
that said person so designated has qualified as said special
verification deputy, by taking the oath of office required by
law, and is authorized and empowered to take the oath of any
signer to a nomination paper or papers within the county of
..... for the nomination of said
as a candidate for the office of
of said party, in the manner provided by law.

Dated this day of, 19...

County Clerk.

[SEAL.]

By: Deputy.

AFFIDAVIT OF CANDIDATE.

[Section 5, Paragraph 4, Direct Primary Act of 1909.]

Party
Office
Candidate's name
County
P. O. address

STATE OF CALIFORNIA, }
County of } ss.

I,, depose and say: I am a resident of county, and of the city, (or) town of; that my street address is No., street in said city or town of (or if living in the country); that my post office address is county of, California; that my election precinct is (or) the precinct of the ward (or) assembly district; that I am a qualified elector of said election precinct; that I am a member of and affiliate with the party, and that I desire to be nominated as the candidate of said party for the office of; and affiant further says, I affiliated with said party at the last general election and voted for a majority of candidates of said party entitled to receive votes in my precinct at the next preceding general election (or) that I did not vote at the next preceding general election (draw a line through the words necessary to make the affidavit recite the facts); that I intend to vote for a majority of the candidates of the party at the next ensuing election; and I further solemnly state that if nominated at the forthcoming primary election for the office of, I will accept said nomination, and will not withdraw my name from the ticket or from the consideration of the electors of my party, and if nominated and elected I will qualify as such

Subscribed and sworn to before me, this day of, 19...

[SEAL.]

Notary Public in and for the County of
....., State of California.

NOTE.—This affidavit must be filed with affiant's nomination papers.

**CERTIFICATE OF THE COUNTY CLERK OF THE
COUNTY OF ———.**

[Section 5, Paragraphs 4 and 5 (a), and Section 6, Paragraph 1, Direct
Primary Act of 1909.]

For State Officers or United States Senator in Congress.

(Attach to nomination papers and forward to secretary of state within
ten days.)

I,, county clerk of the county of
....., State of California, hereby certify that I
have examined the nomination papers of,
who is a candidate for the nomination for the
office of, subject to the primary election to
be held on the third Tuesday in August, 19...; that the num-
ber of names signed thereto which appeared upon the great
register the day on which said nomination papers were filed,
t wit: on the day of, 19...,
is; that said signatures comprise at least one
per centum of the voters of
county.

I further certify that the basis of percentage herein is on
the total vote of said party for its candidate
for presidential elector who received the greatest number of
votes in this state at the last preceding presidential election.

.....
.....
.....

Dated, this day of, 19...

.....
County Clerk.

[SEAL.]

By:

Deputy.

NOTE.—If the party of such candidate had no presidential electoral
ticket in this state at the last preceding presidential election strike out
all of the last sentence after "..... party," and insert on the blank
lines: "for its candidate (said party having had no electoral ticket) who
received the greatest number of votes at the last *preceding presidential*
election, (or) *general state election*, within this state." (Strike out the
italicized phrase necessary to make the certificate recite the facts.)

**CERTIFICATE OF THE COUNTY CLERK OF THE
COUNTY OF ———.**

[Section 5, Paragraphs 4 and 5 (b), and Section 6, Paragraph 1, Direct
Primary Act of 1909.]

**For Representative in Congress or Officer Voted for in a District Com-
prised of More Than Two Counties and Less Than the Entire State.**

(To be attached to nomination papers and forwarded to secretary of
state within ten days.)

I,, county clerk of the county of
....., State of California, hereby certify that I
have examined the nomination papers of,
who is a candidate for the nomination for the
office of; subject to the primary election to
be held on the third Tuesday in August, 19...; that the num-
ber of names signed thereto which appear upon the great
register of said county on the date of filing of said nomination
papers, to wit: on the day of,
19..., is; that said signatures comprise at
least two per centum of the voters of said
county in at least one tenth of the election precincts of said
county.

I further certify that the basis of percentage herein is on
the total vote of said party for its candidate
for presidential elector who received the greatest number of
votes in this state at the last preceding presidential election.

.....
.....
.....

Dated, this day of, 19...

.....
County Clerk.

[SEAL.]

By:
Deputy.

NOTE.—If the party of such candidate had no presidential electoral
ticket in this state at the last preceding presidential election strike out all of
the last sentence after "..... party," and insert on the blank lines:
"for its candidate (said party having had no electoral ticket) who received
the greatest number of votes at the last preceding presidential election,
(or) *general state election*, within this state." (Strike out the italicized
phrase necessary to make the certificate recite the facts.)

**CERTIFICATE OF THE COUNTY CLERK OF THE
COUNTY OF _____.**

[Section 5, Paragraphs 4 and 5 (c), and Section 6, Paragraph 1, Direct
Primary Act of 1909.]

For Representative in Congress or Other Officer to be Voted for in a
District Comprising Two Counties.

(To be attached to nomination papers and forwarded to secretary of
state within ten days.)

I, _____, county clerk of the county of
_____, State of California, hereby certify that I
have examined the nomination papers of _____
who is a candidate for the _____ nomination for the
office of _____, subject to the primary election to
be held on the third Tuesday of August, 19...; that the num-
ber of names signed thereto which appear upon the great
register of said county at the date of filing said nomination
papers, to wit: on the _____ day of _____,
19..., is _____; that said signatures comprise at
least two per centum of the voters of said _____
party in at least one sixth of the election precincts of said
county.

I further certify that the basis of percentage therein is on
the total vote of said _____ party for its candidate
for presidential elector who received the greatest number of
votes in this state at the last preceding presidential election.

.....
.....
.....

Dated, this _____ day of _____, 19...

_____,
County Clerk.

[SEAL.]

By: _____
Deputy.

NOTE.—If the party of such candidate had no presidential electoral
ticket in this state at the last preceding presidential election strike out
all of the last sentence after ".....party," and insert on the blank
lines: "for its candidate (said party having had no electoral ticket) who
received the greatest number of votes at the last *preceding presidential*
election, (or) *general state election*, within this state." (Strike out the
italicized phrase necessary to make the certificate recite the facts.)

**CERTIFICATE OF THE COUNTY CLERK OF THE
COUNTY OF ———.**

[Section 5, Paragraphs 4 and 5 (d), and Section 6, Paragraph 1, Direct
Primary Act of 1909.]

**For Representative in Congress Voted for In a District Situated Entirely
Within One County, or City and County, or City.**

(To be attached to nomination papers and forwarded to secretary of
state within ten days.)

I,, county clerk of the county of
....., State of California, hereby certify that I
have examined the nomination papers of
who is a candidate for the nomination for the
office of, subject to the primary election to
be held on the third Tuesday of August, 19...; that the num-
ber of names signed thereto which appear upon the great
register of said county at the date of filing said nomination
papers, to wit: on the day of,
19..., is; that said signatures comprise at
least three per centum of the voters of said
party in at least one fourth of the election precincts of the
..... district, and in the aggregate not less than
three per centum nor more than ten per centum of the total
vote of said party in such district.

I further certify that the basis of percentage therein is on
the total vote of said party for its candidate
for presidential elector who received the greatest number of
votes in this state at the last preceding presidential election.

.....
.....
.....

Dated, this day of, 19...

.....
County Clerk.

[SEAL.]

By:
Deputy.

NOTE.—If the party of such candidate had no presidential electoral
ticket in this state at the last preceding presidential election strike out
all of the last sentence after "..... party," and insert on the blank
lines: "for its candidate (said party having had no electoral ticket) who
received the greatest number of votes at the last *preceding presidential*
election, (or) *general state election*, within this state." (Strike out the
italicized phrase necessary to make the certificate recite the facts.)

**CERTIFICATE OF THE COUNTY CLERK OF THE
COUNTY OF ———.**

[Section 5, Paragraphs 4 and 5 (d), and Section 6, Paragraphs 2 and 3,
Direct Primary Act of 1909.]

**For Officers Voted for Entirely Within One County, City and County, or
City, Except Representative in Congress.**

(To be filed in the office of the county clerk or registrar of voters or city
clerk, changing the title of such officer, as may be required according
to the political subdivision in which certificate is filed for officer to
be nominated.)

I,, county clerk of the county of
....., State of California, hereby certify that I
have examined the nomination papers of,
who is a candidate for the nomination for the
office of, subject to the primary election to
be held on the third Tuesday in August, 19...; that the num-
ber of names signed thereto is, and that said
names were on the great register at the date of the filing of
said nomination papers, to wit: on the day of
....., 19...; that said signatures comprise at least
three per centum of the party vote of said
party in at least one fourth of all the election precincts within
the district in which the officer is to be voted for and in the
aggregate not less than three per cent and not more than ten
per cent of the total vote of said party in said district.

I further certify that the basis of percentage herein is on
the total vote of said party for its candidate
for presidential elector who received the greatest number of
votes in this state at the last preceding presidential election.

.....
.....
.....

Dated, this day of, 19...

.....
County Clerk.

[SEAL.]

By:
Deputy.

NOTE.—If the party of such candidate had no presidential electoral
ticket in this state at the last preceding presidential election strike out
all of the last sentence after ".....party," and insert on the
blank lines: "for its candidate (said party having had no electoral ticket)
who received the greatest number of votes at the last *preceding presi-
dential election*, (or) *general state election*, within this state." (Strike
out the italicized phrase necessary to make the certificate recite the facts.)

CERTIFIED LIST OF CANDIDATES FOR NOMINATION.

[Section 10, Direct Primary Act of 1909.]

DEPARTMENT OF STATE.

To the County Clerk of County.

I,, secretary of state, do hereby certify that the following list contains the name and address of each person for whom nomination papers have been filed in my office as a candidate for nomination, subject to the direct primary election to be held on Tuesday, the day of August, 19..., and who is entitled to receive votes at such primary election, together with a designation of the office for which such person is a candidate, and the party or principle he represents.

STATE OFFICES.

Name.	Address.	Office.	Party.
.....
.....

DISTRICT OFFICES.

.....
.....

Dated at Sacramento, California, this day of
....., 19...

[SEAL.]

.....,
Secretary of State.

NOTE.—Immediately upon receipt of this notice the county clerk must publish under the proper party designation the title of each office, the name and address of all persons for whom nomination papers have been filed, date of primary election, the hours during which polls will be open and designation of the polling place in each precinct.

CERTIFICATE OF NOMINATION.

[Section 23, Paragraph 4, Direct Primary Act of 1909.]

DEPARTMENT OF STATE.

To the County Clerk of County.

I,, secretary of state, do hereby certify that at the direct primary election held on the third Tuesday in August, 19..., the following persons received the highest number of votes cast by their respective parties for the nomination for which they were candidates and are entitled to have their names printed on the official ballot to be voted for at the November election as the party candidate for the office set opposite their respective names:

STATE OFFICES.

Name of Candidate.	Office.	Party.
.....
.....

DISTRICT OFFICES.

.....
.....
.....
.....

Dated at Sacramento, California, this day of
....., 19....

[SEAL.]

.....,
Secretary of State.

ANALYSIS OF DIRECT PRIMARY LAW.

At the request of C. F. Curry, Secretary of State, the side notes to the Direct Primary Act as printed herewith, together with the index thereof, were written and arranged by Hon. Leroy A. Wright, State Senator from the Fortieth Senatorial District, at San Diego, who was one of the authors of the bill, and introduced it in the Senate. Hon. P. A. Stanton of Los Angeles introduced it in the Assembly. Senator Wright also assisted in the preparation of the legal forms, and wrote an analysis of the act, divested of all legal verbiage, which is printed herewith for general instruction.

SAN DIEGO, CALIFORNIA, July 16, 1909.

Hon. C. F. CURRY,
Secretary of State, Sacramento, California.

DEAR SIR: At your request and for the purpose of giving the voter a clear and comprehensive grasp of the California direct primary law, I have prepared the following statement of its provisions, in narrative form, stripped of all legal verbiage:

Under the old convention system party candidates were nominated by the majority vote of assembled delegates. The new direct primary law provides that all party candidates shall be nominated by the voters of the respective political parties. Each party voter will now discharge the duty which heretofore devolved upon the party convention delegate. The primary election, therefore, will hereafter perform the functions of party conventions.

Two methods remain of obtaining a nomination for office. *Party nominations* must be made in the manner provided under the direct primary law enacted by the State Legislature in 1909. *Independent nominations* may be made by petition signed by three per cent of the voters of the district for which the nomination is to be made.

All party nominations for the general election held in November will be made at a primary election held on the preceding third Tuesday in August. Separate and distinct printed ballots in blocks of one hundred for each political party will be provided at the polls. The Republican ballot will contain the name of each Republican aspirant for nomination who has complied with the provisions of the primary law, and who is entitled to receive Republican votes. This is also true of the ballots of the Democratic, Socialist, and other parties.

The primary election at the polls is conducted in every respect as at a general election. The voter stamps an "X" in the square opposite the name of his choice, for a candidate for each office, for which nominations are to be made, the same as he may stamp it in the square opposite the name of his choice for each office at a general election. The primary election officers perform the same functions as the general election officers and ballots are folded and cast as at general elections.

The votes at the close of the polls are counted in the manner of general elections and the returns are made to the board of supervisors, or proper election commissioners. The returns are then canvassed in the manner applicable to general elections, and the candidate for nomination receiving the highest number of votes is declared the nominee of his party. Thus, if there should be two or more candidates for governor upon the Republican ticket, and two or more candidates for the nomination of Governor on the Democratic ticket, the person receiving the highest number of Republican votes at the primary election would be declared the Republican nominee for governor, and the Democratic candidate for nomination receiving the highest number of Democratic votes would be declared the Democratic nominee for governor. In this manner the

nominations are made for each office by each political party. Thus by the use of separate ballots, all parties make their nominations at the direct primaries presided over by the same officers of election.

In order that an aspirant for a party nomination may have his name printed upon the party ballot and be voted for at the primary election he must comply with certain requirements.

If he is a candidate for an office to be voted for at a November election he must at least thirty days prior to the third Monday in August file nomination papers.

If he is a candidate for a state office, these nomination papers must be filed with the secretary of state; if for a county office, with the county clerk; and if for a city office, with the city clerk.

These nomination papers consist of the affidavits of a given number of qualified electors stating that they are electors, the precinct in which they vote, and that they nominate the person named as a candidate for the nomination of their party for the office designated, and also stating that they will support for such nomination the candidate named. The nomination paper consists of the required number of these sworn statements, together with the affidavit of the candidate, in which he states, among other things, the name of the party and the office for which he desires to be a candidate; that he affiliated with his party at the last general election, and that if nominated he will accept the nomination and not withdraw, and that he will qualify as such officer, if nominated and elected.

For the purpose of obtaining the necessary signatures to the nomination papers, the candidate may appoint one or more verification deputies, who shall qualify by filing with the county clerk an affidavit stating that he has been designated as such deputy and that in obtaining the signatures he will observe the election laws of the State of California in so far as they are applicable. The law provides that a voter shall sign but one nomination paper for the same office. Nomination papers shall be bound together by precincts, arranged alphabetically by surnames and numbered. If the nomination papers are for a candidate to be voted for in more than one county they may be bound together by counties.

It is made the duty of the county clerk to examine all nomination papers and ascertain if the signers are qualified voters, and he shall affix his certificate to the nomination papers, reciting that he has examined them, and stating the number of signatures, and if the nomination papers are for a candidate to be voted for in more than one county the nomination papers, with the certificate of the clerk attached, must be forwarded to the secretary of state for filing. At least twenty-five days before the August primary the secretary of state must certify a list to each county clerk containing the name and post office address of each person for whom nomination papers have been filed in his office, together with a designation of the office for which such person is a candidate, and the party he represents.

A candidate for a state office or United States Senator must file nomination papers with signatures representing in their aggregate not less than one nor more than ten per cent of the total vote of his party in the state, and these signatures must come from at least ten different counties, and from each county the signatures must represent at least one per cent of the party vote in each county.

A candidate for representative in congress or any office voted for in any district comprising more than two counties, and less than the entire state, must file nomination papers containing signatures representing at least two per cent of the voters of his party in such territory, and the signatures must come from at least one tenth of all the election precincts in each of at least one half of the counties comprising the district. The signatures must aggregate not less than two per cent nor more than ten per cent of the total party vote of such district.

A candidate for representative in congress or other office to be voted for in a district comprising two counties must file nomination papers signed by at least two per cent of the voters of his party in such territory, and they must come from at least one sixth of the election precincts of each county. The signatures must aggregate not less than two nor more than ten per cent of the total party vote in such district.

A candidate for office voted for entirely within one county, or city, or other political subdivision, must file a petition signed by at least three per cent of the party vote in such district, and these signatures must come

from at least one fourth of all the election precincts within the district from which such officer is to be voted for. The signers must aggregate not less than three per cent nor more than ten per cent of the total party vote in such district.

The basis of percentage is upon the party vote for presidential elector receiving the greatest number of votes at the last presidential election.

If a political organization or party had no candidates for presidential electors at the last preceding presidential election, but had individual nominees who polled three per cent of the total vote cast at such election, then this shall form the basis of estimating the percentage required for candidates from such political organization.

A filing fee of \$25.00 is charged for filing nomination papers with the secretary of state except for members of the state legislature. When nomination papers are filed with the county clerk the fee is \$10.00 except that no fee is charged for the nomination papers of a candidate for an office that pays no compensation.

Election notices must be published by the county clerk with the proper party designation, giving the title to each office, the names and addresses of all persons for whom nomination papers have been filed, date of election, the hours during which the polling places will be opened, and designating the polling places in each precinct. This notice must be published for at least two weeks prior to the election, and must contain a list of all officers for which nominations are to be made at the forthcoming primary election.

The law makes it the duty of the county clerk to furnish the election supplies and election ballots for each party, and the law prescribes the form and size of the ballots.

Within time to allow for the correction of any errors that may occur in the ballots, sample ballots are to be submitted to the chairmen of the various party committees.

It is the duty of the officers charged with the canvass of the primary election returns to cause to be issued certificates of nomination to each candidate who has received the highest number of votes of his party, and it is the duty of the secretary of state to issue nomination certificates to all candidates nominated for representatives in congress and officers voted for in more than one county. The secretary of state shall also certify to each county clerk the name of every person nominated at the primary election who is to be voted for in more than one county, and whose name is to appear on the general election ballot to be used at the November election.

It has also been made the duty of the secretary of state to compile the advisory vote for United States senator in congress, and send a statement of the same to the speaker of the assembly and the president of the senate on the first day of the ensuing session.

The act designates the purposes for which expenses may be legally incurred by candidates seeking nomination at the primary election. These legitimate expenses include filing fee; circulating and verifying nomination papers; the candidate's personal traveling expenses; rent and necessary furnishings of halls or rooms during the campaign for public meetings, or committee's headquarters; expenses of speakers and musicians at public meetings; printing and distribution of pamphlets, circulars, newspapers, cards, handbills and announcements relating to candidates or political issues; reasonable compensation for challengers at the polls; making canvass for voters, clerk hire, expenses for conveying infirm or disabled voters to or from the polls.

The sum which a candidate for nomination is permitted to spend is based on the vote at the last preceding election. If the total vote within the district at the last preceding election did not exceed 5000 a candidate may expend \$250.00. For each 100 voters over 5000 and under 25,000, \$2.00 for each 100 voters. For each 100 voters over 25,000 and under 50,000, \$1.00; and for each 100 voters over 50,000, \$0.50. The basis of the vote for estimated expenditures is upon the total vote, and not upon the party vote. Thus, if there is a total Republican, Democratic and Socialist vote of 5000 a party candidate for nomination may expend in such district \$250.00. While if the total vote was 10,000 a party candidate could expend \$350.00. If there should be 250,000 votes in the district the candidate for nomination could spend \$250 for the first 5000, \$400 for the next 20,000 votes, \$250 for the next 25,000, \$375 for the

remaining 75,000, making a total of \$1275 in the district which cast a total of 250,000 votes.

The direct primary law provides for political conventions. Blank spaces are left at the bottom of the last column of each party ticket in which the voter may write or paste the name or names of electors as delegates to his party convention. Party conventions are empowered to formulate platforms and transact any other business not in conflict with the direct primary law.

State conventions shall be held within four weeks after the August primaries, at a time and place designated by the state central committee. The state central committee is required to file fifty days prior to the August primary election a written petition with the secretary of state, and to mail a copy of same to each chairman. This petition fixes the day and place of holding the state convention, the number of delegates entitled to seats, and the number of delegates apportioned to each county, together with a brief statement of the purposes for which the convention will meet. Delegates to the state convention from each county are selected by the county convention.

The act also provides for a May convention in the year in which a president is to be elected, which is called in the same manner as other state conventions, and the delegates to the May convention are likewise elected by the county conventions. The May party conventions elect delegates to the national convention to nominate candidates for president and vice-president of the United States.

County conventions must be held within two weeks after the August primary, and are called by the chairman and secretary of the county committee filing with the county clerk a petition stating the date and place of holding the county convention, and the number of delegates entitled to seats therein, and also the number of delegates apportioned to each election precinct or subdivision of the county. The petition must also contain a brief statement of the purposes for which the convention will be held, and a copy of the petition must be mailed to each committeeman within the county. The delegates to the county convention are elected at the August primary by the voter writing or pasting the names of candidates in the blank spaces left on the official party ballot.

Municipal conventions may be called in the same way and delegates may be elected as they are to county conventions.

City and county central committees are elected by the party conventions, and state, county and municipal central committees are authorized to select from their number an executive committee which may have charge of the political campaign.

The several officers and committees of political parties now in existence are authorized to exercise the powers of such officers and committeemen until their successors are chosen as provided under the direct primary law, and central committees are authorized to fill vacancies in nominations which may occur after primary elections are held.

The law requires each candidate for nomination within twenty-eight days after the primary election to file a verified statement setting forth by items the money expended by him or under his direction or in his behalf in his effort to secure the nomination. This statement shall be filed with the officer authorized to issue the certificate of nomination for the office for which he was a candidate, and a duplicate shall be filed with the county recorder of the county in which he resides, and no certificate of nomination shall be issued unless such statement has been filed. The law makes it a misdemeanor to bribe a person to sign a nomination paper, or for any person to suppress a nomination paper, and all offenses against the general election laws shall also be an offense concerning primary elections.

Yours very truly,

LEROY A. WRIGHT.

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